



# Intellectual Property: why it's important to you

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# Intellectual Property Protection

- Trade Secrets – protection by secrecy
- Copyrights – Protects the tangible form of expression from copying
- Trademarks – identifies a unique source of goods or services
- Industrial Design – protects the visual features
- Plant Breeder Rights – protects a new genetic variety
- Patents – give the right to exclude others

# What is a patent?

- Grant of Rights by Federal Government
- Gives inventor/owner the right to exclude
- A “monopoly” on the technology
- No one else can “make, use, sell or import” the technology
- Limited term (20 years from “Date of File”)

# Patents

- Why would anyone need a monopoly?
  - It is risky to innovate & bring a new technology to market
  - Patents protect the money & time involved
- What does society get in return?
  - New products and new technologies
  - New knowledge. Patents must be published

# What can be patented?

- An invention is a novel device, material or technique
  - New and useful process
  - Machine
  - A product
  - Composition of matter

# Requirements for Patents

- Novel –must be new, not published \*
- Non-Obvious, i.e., unexpected results
- Enabling disclosure – must describe invention and “reduce to practice”
- Utility- must have a distinct practical use

# Example Patents

- Coffee Cup Holders
  - US Patent No. 5,205,473
  - US Patent No. 5,425,497
  - US Patent No. 6,601,728
  - US Patent No. 6,814,253
  - ..and many, many more....

# When should you patent?

- Prior to public disclosure or sale
- Better to err on the side of too early than too late
- Pre-March 2013 system, first to invent would get the patent.
- Under new patent rules, first to file gets the patent

# When should you patent?

- You have a clear path to patent claims that will protect the end product
- Time to market is long term & expensive
- Capital you need to get to market requires patents in order to invest
- You have \$\$ to invest in the process

# The Patent Process

- Retain Patent Agent/Attorney
  - Scientific and legal expertise
- File Application
  - Provisional, PCT, Non-provisional
- Office actions and other PTO requests
  - Requires inventors engagement & \$\$

# Keep in mind....

- The claims of a patent are what is reviewed in an infringement case
- A good lab notebook & records will be crucial if you need to defend the patent
- Always be open with the patent office – hiding things will never end well

# Thank you!

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